

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 483 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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UDESING LAXMANSING TALAR

Versus

STATE OF GUJARAT

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Appearance:

MR UM SHASTRI for Petitioner

Mr.M.A.Patel, Addl.PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 29/08/98

ORAL JUDGEMENT

1. Heard Mr.Uday M.Shastri, Ld.advocate appearing for the petitioner. Rule. Mr.M.A.Patel, Ld.APP waives service of rule on behalf of respondent No.1. With the consent of learned advocates for parties matter is finally heard.

2. The petitioner has challenged the legality, validity and propriety of the order, dated 1.8.98 passed

by the Ld.Addl.Sessions Judge, Panchmahals at Godhra in Cri.Appeal No.13/94.

3. The present petitioner was chargesheeted for having committed the offence punishable under sections 420 and 477-A IPC and he was tried by the court of Ld.Chief Judicial Magistrate in Criminal Case No.3301/88. That vide judgment and order the Ld.Chief Judicial Magistrate at Godhra convicted the petitioner for the offences punishable under sections 420 & 477-A. That the petitioner is ordered to suffer Simple Imprisonment of six months and to pay fine of Rs.500/- and in default to undergo further simple imprisonment of seven days in respect to offence punishable under section 420 IPC and to suffer simple imprisonment of six months and to pay fine of Rs.500/- and in default to undergo further simple imprisonment of seven days in respect to offence under section 477-A. That substantive sentences on both the counts is ordered to run concurrently.

4. The petitioner being aggrieved and dissatisfied with the order of conviction and sentence passed by the Ld.Chief Judicial Magistrate vide judgment and order dated 15.7.94 in Criminal Case No.3301/88 preferred Criminal Appeal No.13/94 in the court of Ld.Addl.Sessions Judge, Godhra. That vide impugned judgment and order, dated 1.8.98 the Ld.Addl.Sessions Judge, Panchmahals at Godhra rejected the appeal of the petitioner and the order of conviction and sentence passed by the Ld.Chief Judicial Magistrate is confirmed.

5. Mr.Uday Shastri, Ld.advocate appearing for the petitioner has contended that the Ld.Chief Judicial Magistrate has failed to appreciate the facts involved in the matter and has erred in giving finding that the petitioner is guilty of offence punishable under sections 420 and 477-A IPC.

6. It is difficult to accept the submission urged on behalf of the petitioner. I have carefully gone through the judgment and order passed by the trial court as well as lower appellate court and in my opinion there is no illegality or perversity in the judgment. That the finding of fact given by the trial court is based on appreciation of material produced on record and correct application of law and the appellate court has also construed the view taken by the trial court in correct perspective and confirmed the order of conviction and sentence while dismissing the appeal of the present petitioner.

7. In view of the above stated discussion present revision application can not be said to be tenable at law in the absence of any substantial contention of law raised by the petitioner and as such deserves to be dismissed. The application is therefore dismissed. Rule is discharged. No costs.

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